

**UNITED STATES DISTRICT COURT FOR  
THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY ) AVERAGE WHOLESale PRICE ) LITIGATION )	MDL No. 1456 Civil Action No. 01-12257-PBS Subcategory No. 06-11337
THIS DOCUMENT RELATES TO: ) <i>United States ex rel. Ven-A-Care of the</i> ) <i>Florida Keys, Inc. v. Schering Corporation</i> ) <i>Schering-Plough Corporation and</i> ) <i>Warrick Pharmaceuticals Corporation,</i> ) Civil Action No. 09-CV-10547; and ) ) <i>United States ex rel. Ven-A-Care of the</i> ) <i>Florida Keys, Inc. v. Schering Corporation,</i> ) <i>Schering-Plough Corporation and</i> ) <i>Warrick Pharmaceuticals Corporation,</i> ) Civil Action No. 00-10698 ) )	Judge Patti B. Saris

**UNITED STATES' ASSENTED-TO MOTION FOR EXTENSION OF TIME  
TO RESPOND TO MOTION FOR APPROVAL OF SETTLEMENT**

With the assent of Schering-Plough, Schering, Ven-A-Care of the Florida Keys, and the States of California and Florida (the "Proposed Settlement Parties"), the United States respectfully moves for a one week extension to file its response to the Motion for Approval of the Settlement Between California, Florida, and Relator Ven-A-Care of the Florida Keys on Behalf of Itself and the United States and Schering-Plough, Schering, and Warrick. In support of this motion, the government states as follows:

1. On August 7, 2009, the Proposed Settlement Parties filed their motion for approval of their proposed settlement, along with a 29-page memorandum and affidavits in support of that motion. (M.D. #6359 - 6363; Sub. #351 and 354 - 357.)

2. Absent an extension of time, the government's opposition to the Proposed Settlement Parties' motion for approval would be due on August 21, 2009, 14 days after the parties served their motion. *See* Local Rule 7.1(B)(2).

3. The Parties' motion for approval is, as noted, lengthy. It also involves complex legal and factual issues that the government intends to address in its response.

Each of the Proposed Settlement Parties has assented to the relief the United States requests in this motion.

WHEREFORE, the United States respectfully requests that the Court grant the government an extension until August 28, 2009, to file its response to the Proposed Settlement Parties' motion for approval.

Dated: August 18, 2009

Respectfully submitted,

For the United States of America,

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#### CERTIFICATE

Pursuant to LR 7.1(A)(2), the undersigned certifies that he has conferred with counsel for the Proposed Settlement Parties and that those parties assent to this motion.

/s/ Andy J. Mao  
Andy J. Mao

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused an electronic copy of the above “Assented-to Motion for Extension of Time to Respond to Motion for Approval of Settlement” to be served on all counsel of record via electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

Dated: August 18, 2009

/s/ George B. Henderson, II  
George B. Henderson, II